

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JAMES N. McKELVEY,

Plaintiff,

Case No. 07-14538

v.

Hon. John Corbett O'Meara

PETE GEREN, Secretary  
of the United States Army,

Defendant.

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**ORDER TAXING COSTS**

Pursuant to this court's order dated February 26, 2013, Plaintiff submitted a bill of costs on April 30, 2013. Costs are taxed pursuant to Fed. R. Civ. P. 54(d) and 28 U.S.C. § 1920. In reviewing a request for taxation of costs, the court must determine "first . . . whether the expenses are allowable cost items and then . . . whether the amounts are reasonable and necessary." Jefferson v. Jefferson County Pub. Sch. Sys., 360 F.3d 583, 591 (6<sup>th</sup> Cir. 2004). The prevailing party has the burden of establishing that the expenses it seeks to have taxed as costs "are authorized by applicable federal law, including proof of necessity and reasonableness under 28 U.S.C. § 1920." Berryman v. Hofbauer, 161 F.R.D. 341, 344 (E.D. Mich. 1995).

Plaintiff seeks \$38,931.04 in costs, including \$32,233.34 in expert witness fees. However, expert witness fees in excess of the statutory witness fee are not taxable. See, e.g., Kalitta Air LLC v. United Air Lines, Inc., 2012 WL 4479133 (E.D. Mich. Sept. 28, 2012). The court finds Plaintiff's remaining costs to be properly supported. Therefore, the court taxes costs

in the amount of \$6,697.70.

**SO ORDERED.**

s/John Corbett O'Meara  
United States District Judge

Date: July 3, 2013

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, July 3, 2013, using the ECF system.

s/William Barkholz  
Case Manager